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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: December 2, 2020  
Time of Meeting: 6:30 pm  
Minute Page No: Page 1 of 21  
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The Workshop Meeting of the Governing Body was called to order by Mayor Michele Dale.

**Adequate Notice Statement**

Mayor Dale read the following statement:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-8(b), which authorizes the use of communications equipment to hold public meetings and in consideration of Executive Order 107 issued by Governor Murphy and guidance provided by the New Jersey Department of Community Affairs, Division of Local Government Services, the Township of West Milford does hereby notify the public that to protect the health, safety and welfare of our citizens, while ensuring the continued functioning of government, a telephonic Workshop meeting along with the public meeting in the Main Meeting Room of the West Milford Township Council will be held on December 2, 2020 at 6:30 p.m. Any member of the public who wishes to participate in the zoom meeting, which will include a public comment portion, may do so by calling into the service number: 1 (978) 990-5000 Access Code 424062#, at the designated meeting time.

Instructions to access the meeting will be available on the Township of West Milford website at [www.westmilford.org](http://www.westmilford.org). Members of the public who are unable to utilize the access system due to a disability may submit written comments/questions by contacting the Clerk via email at [clerksoffice@westmilford.org](mailto:clerksoffice@westmilford.org) prior to the meeting, deadline to submit is December 2, 2020 at 2:30 p.m. Email Subject MUST READ – PUBLIC COMMENTS/QUESTIONS which MUST INCLUDE the individual's name and address, in order to be considered and will be read into the record during the public comment portion of the meeting.

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Workshop Meeting was advertised in the Herald News in its issue of November 11, 2019 and January 5, 2020; copies were posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits - located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

Agenda No. I

**Pledge of Allegiance**

Mayor Dale led all in attendance in a salute to the flag.

Agenda No. II

**Roll Call**

Present: Councilmembers Ada Erik, Andrena Pegel, Marilyn Lichtenberg, Kevin Goodsir  
Warren Gross, Patricia Gerst, Mayor Michele Dale  
Absent: None  
Also Present: Township Administrator/Clerk William Senande, Township Attorney Fred Semrau

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

November 4, 2020 Workshop/Regular Meeting  
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Moved: Erik                      Seconded: Gerst  
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst  
Voted Nay: None  
Motion Carried:  
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Agenda No. IV

**Meetings**

Mayor Dale noted the future meeting schedule:

December 16, 2020 Regular Meeting

Agenda No. V

**Proclamations**

Woman's Club of West Milford – 60<sup>th</sup> Anniversary – Mayor Dale read the proclamation.

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Agenda No. VI

**Presentations**

None

Agenda No. VII

**Executive Session**

None

Agenda No. VIII

**Discussion Items/Official Communication**

1.	Discussion: Cannabis Legislation Update: Mr. Semrau said after the legislation is adopted the Township will have a six month window to decide if they want to permit the sale of cannabis or not. Councilman Gross asked if the Township sets its own requirements for the license. Mr. Semrau explained the license will be similar to an ABC liquor license. There will not be a limit based on land size or population. He mentioned that 2% of gross receipts will go to the Township. Councilman Gross asked who determines the location of the wholesaler. Mr. Semrau said that is determined by the Township and if the Township wants to permit the use they have to put together appropriate zoning guidelines. He expressed that zoning guidelines are important considerations in the process. Mayor Dale asked if they can put together a resolution if the Council decides to permit the usage. She suggested having the Township Planner identify areas and zones. Mayor Dale expressed that the zoning guidelines should be determined first. The Council gave consensus.
2.	Discussion: Ice Retardant System – Review from Lake Committee Meeting: Administrator Senande said there is an email in the Council’s packets from the Lake Committee. The Lakes Committee concern is that the larger lakes will be treated the same as the smaller private lakes. The Lakes Committee asked that any changes or regulations for Greenwood Lake not apply to the smaller lakes. Councilman Gross suggested that they allow each individual lake determine what is best for them. Councilwoman Lichtenberg noted that she is on the Lakes Committee and they had a lengthy discussion on this. They all had their own different rules and regulations. Their concern is how this will affect the smaller lakes. Councilwoman Erik suggested adopting an ordinance for Greenwood Lake only and if any other lake wants to opt in amend the ordinance and add their name to it. Administrator Senande said that is what the Greenwood Lake Commission recommended. He asked the Council if they would like to move forward with that recommendation. He noted it would be in line with the Lakes Committee recommendation. The Council gave consensus to place the ordinance on the agenda for next year.

Agenda No. IX

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IX 1

~ Ordinance 2020 – 019 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE BY AMENDING CHAPTER 500 “ZONING” TO ADD A NEW ARTICLE XVI “OUTDOOR DINING”**

**WHEREAS**, the Township Council permitted retail food service establishments to temporarily provide outdoor dining in response to the public health emergency created by the Coronavirus pandemic; and

**WHEREAS**, the Mayor and Township Council have received numerous requests from local business owners to permit seasonal outdoor dining throughout the township; and

**WHEREAS**, the Mayor and Township Council have considered the topic and determined that permitting seasonal outdoor dining would be beneficial to the business owners and residents of the Township; and

**WHEREAS**, the Mayor and Township Council have reviewed the proposed outdoor dining ordinance and are in agreement with same.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

**SECTION 1.** Chapter 500 “Zoning” is amended to add a new Article XVI “Outdoor Dining” to read as follows:

**ARTICLE XVI: Outdoor Dining**

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**§ 500-177 Definitions.**

As used in this article, the following terms shall have meaning indicated:

- A. Principal Building – The building whose principal facade fronts on the sidewalk or adjacent to where the outdoor dining is proposed to be located. The “principal facade” shall be the face of the principal building facing the street right-of-way.
- B. Permitted Zone – Outdoor Dining shall be a permitted accessory use to a permitted restaurant in the Community Commercial, Village Commercial, Neighborhood Commercial, and Lake Commercial Zones as defined in § 500 “Zoning” and as shown on the Zoning Map of the Township of West Milford.
- C. Person – Any individual, partnership, corporation, limited liability company, association, or other entity.
- D. Restaurant – An establishment located within the principal building, the primary activity of which is the preparation of food for consumption by the public on its premises.
- E. Sidewalk – The paved surface provided for the exclusive use of pedestrians and situated between and extending from any building line to the curb of any street (excluding therefrom any unpaved area).
- F. Outdoor Dining – An accessory use to a restaurant as defined herein which also is characterized by the following:
- G. Minor Outdoor Dining – An accessory use to a restaurant as defined in § 500-177.F.1-3 in addition to the following characteristics:
1. The portion of outdoor seating does not exceed 25% of the overall seating capacity of the restaurant; and/or
  2. The outdoor seating represents a relocation of indoor seating such that there will be no increase in the overall seating capacity of the restaurant.
- H. Major Outdoor Dining – An accessory use to a restaurant as defined in § 500-177.F.1-3 in addition to the following characteristics:
1. The portion of outdoor seating exceeds 25% of the indoor seating capacity; or
  2. Any pre-existing or approved parking spaces are removed as a result of the placement of outdoor seating.
- I. Obstruction – Any tree, trash receptacle, street curb, parking meter, newspaper box, street sign or basement entry hatch lying within the area of the outdoor dining.
- J. Service Items – All dishes, utensils, containers, tablecloths, napkins, cutlery and other items used in the operation or decoration of the outdoor dining area.

**§ 500-178 Permit required.**

No person shall operate a Major Outdoor Dining area as defined in § 500-177.H within the Township of West Milford without an application for site plan approval from the appropriate reviewing Board. A Minor Outdoor Dining area as defined in § 500-177.G requires an application to the Zoning Officer showing all the requirements of this Article are satisfied. If an application is denied, the Applicant may file an appeal with the Zoning Board of Adjustment. The permit shall be issued by the Zoning Officer and may contain conditions. Minor Outdoor Dining permits must be renewed annually.

**§ 500-179 Minor Outdoor Dining Application**

A. Each applicant for a Minor Outdoor Dining permit shall submit and file an application with the Township Zoning Officer with five (5) copies of the proposed design, and the appropriate fee. The Township Zoning Officer may seek review and comments from the Building Official, Fire Marshal, Health Department or other appropriate officials. The application shall set forth:

1. The name and address of the Applicant,
2. The name and address of the owner of the principal building (if other than the applicant)

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3. A description of the proposed design and location of the outdoor dining, its dimensions and all temporary structures, equipment, and apparatus to be used in connection with its operation, including tables, temporary fences and barriers, planters, service carts, chairs, awning, umbrellas (including any name to be displayed thereon), lighting and electrical outlets (if any), heating fixtures; and

4. A statement of the seating capacity of the proposed outdoor dining and of the existing restaurant actually operated by the applicant in the principal building; and

5. Written authorization and approval of the owner of the principal building (if other than the applicant).

B. In the application to be submitted, the Applicant may request that the Township Committee grant the Applicant a waiver from compliance with any aspects of the requirements of § 500-185 of this Article.

**§ 500-180 Insurance required for use of public sidewalks or rights-of-way.**

No outdoor dining permit shall be issued for use of a public sidewalk or right-of-way unless the permit shall have been first filed with the Zoning Officer and a copy of an insurance policy or certificate of insurance, issued by a company duly authorized to transact business under the laws of this State, providing for the payment of not less than \$1,000,000 to satisfy all claims for damage by reason of bodily injuries to, or the death of, any person as a direct result of the operation of the outdoor dining area or for injury to any person occurring on the premises occupied by such outdoor dining area, and further providing for the payment of not less than \$10,000 to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such outdoor dining and naming the Township of West Milford as an additional insured.

**§ 500-181 Indemnification agreement required for use of public sidewalks or rights-of-way.**

No outdoor dining permit shall be issued for use of a public sidewalk or right-of-way unless the permit holder shall have first executed with the Zoning Officer an indemnification agreement pursuant to which the permit holder, in further consideration of the issuance of the permit, shall agree to forever defend, protect, indemnify and save harmless the Township of West Milford, its officers, agents and employees, from, and against, any and all claims, causes of action, injuries, losses, damages, expenses, fees and cost arising out of, or which may arise out of, the permit holders operation of such an outdoor dining area.

**§ 500-182 Maintenance agreement required for use of public sidewalks or rights-of-way.**

No outdoor dining permit shall be issued for use of a public sidewalk or right-of-way unless the permit holder shall have first executed and filed with the Zoning Officer a maintenance agreement pursuant to which the permit holder, in further consideration of the issuance of a permit, shall agree, at the option of the Township, to either repair at its sole cost and expense, any damage caused to the sidewalk by the operation of the cafe, or to reimburse the Township in full for all costs and expenses incurred by it making any such repairs.

The Zoning Officer may require a bond to be filed by the permit holder in an amount to be fixed by the Township.

**§ 500-183 Permit fee.**

The fees for an outdoor dining permit shall be as follows:

Type	Fee
1-10 seats, no more than 2 tables	\$100
11-25 seats	\$250
26-50 seats	\$350
Over 50 seats	\$450

**§ 500-184 Term of permit: renewals.**

All outdoor dining permits shall be issued for the period commencing March 1 and ending November 30 (inclusive) of a particular year. Permits may be renewed by filing of an application in accordance with the provisions of § 500-179. If a permit renewal is denied by the Zoning Officer, the Applicant may file an appeal with the Zoning Board of Adjustment.

**§ 500-185 Rules, regulations and specifications.**

An outdoor dining area authorized and operating pursuant to this Article shall comply with all of the following regulations and specifications and such others as may be adopted from time to time by the Township Council of the Township of West Milford.

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- A. The outdoor dining area shall be operated and maintained in conformance with the layout plan as finally approved.
- B. No furniture, apparatus decoration or appurtenance used in connection with the operation of the outdoor dining shall be placed within 50 feet of any fire hydrant, plug or standpipe without the specific written authorization of the Fire Marshall; and
- C. No furniture, apparatus, decoration, appurtenance used in connection with the operation of the outdoor dining area shall be located in such a way as to impede the safe and efficient ingress and egress to or from any building or structure. At least four (4) feet of unobstructed walkway shall be provided for access from any door or opening on the business facade to the street.
- D. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor dining area shall be located in such a way that less than four (4) feet of paved sidewalk unobstructed remains open for the exclusive use of pedestrians (the "required pedestrian passageway"), nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above, the required pedestrian passageway. All outdoor dining areas shall have portable barriers or planters not less than three feet nor more than four feet in height which shall be placed around the outdoor dining area on the sidewalk to define the outdoor dining areas and the unobstructed pedestrian passageway. If the outdoor dining area is not on a sidewalk a fence or barrier that conforms to the Township's ordinances shall be permitted.
- E. Service items shall be made of non-disposable and reusable materials; provided, however that upon a showing of need by the Applicant and of adequate provision of outdoor waste receptacles for the disposal of disposable and non-reusable materials, an outdoor dining permit may provide for the use of disposable and non-reusable items. The furniture to be used in the operation of the outdoor dining area shall be made of durable materials and tables shall be of adequate size to serve the patrons of the outdoor dining area.
- F. The outdoor area utilized for the outdoor dining shall be kept clean and free of litter. Sidewalks/patios shall be washed daily, if needed, and trash receptacles shall be provided in the outdoor area by the establishment as required and to be approved from time to time by the Township.
- G. Outdoor lighting shall be in accordance with the requirements of § 500-69 of the Township Code and shall adhere to the following standards:
1. No colored lighting is permitted.
  2. All lighting must be directed towards the outdoor dining area and away from adjoining properties.
  3. All lighting exclusively lighting the outdoor dining area must be turned off when the outdoor dining area is closed.
- H. Noise shall be kept at such a level as to comply with all aspects of the provisions of the NJ State Noise Control Act (N.J.A.C. 7:29-1 et seq.).
- I. Outdoor dining areas shall be permitted to operate only with a permit granted pursuant to this Article and only from 7:00 a.m. until 10:00 p.m. Monday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday from March 1 through November 30 (inclusive) of a particular year.
- J. All sturdy furniture, apparatus, decorations, barriers, planters, and appurtenances may remain outdoors overnight. Outdoor enclosed patios may maintain sturdy furniture overnight, however other movable items such as umbrellas, bus areas, etc. shall be stored in a safe and secure interior location.
- K. One (1) outdoor menu display is permitted, not to exceed three (3) square feet.
- L. The outdoor dining area shall be operated and maintained by the same person who operates and maintains the related restaurant to which the outdoor dining is an accessory use.
- M. The operator shall comply with all ordinances of the Township of West Milford, however outdoor dining shall be exempt from site plan review and parking requirements.
- N. Notwithstanding anything to the contrary in this Article or any other laws and ordinances of the Township but subject to review and approval of the Township Zoning Officer, a person may be permitted to display the name of the establishment operating the outdoor dining area on umbrellas to be used at the outdoor dining area.
- O. Any and all tents or canopies to be erected to accommodate outdoor dining must meet the provisions of the Uniform Construction Code and Uniform Fire Code and shall be approved by the Construction Official and Fire Marshal.

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P. Temporary outdoor heating sources, such as heating lamps, electric or gas space heaters, patio heaters, gas fireplaces, chimneys, or other like equipment may be permitted within outdoor dining areas subject to compliance with all applicable construction and fire codes, unless it would create a safety hazard as determined by the Fire Marshal in his or her discretion. Fire pits and LP-gas fire pits are not permitted along any sidewalk area or public right-of-way. For approved heaters, the minimum safety instructions are, but not limited to, the following:

1. The unit shall not be left unattended when in use.
2. The unit shall be placed on a hard and level surface.
3. The unit's gas tank shall be turned off when the heater is not in use.
4. The unit shall not be used if wind velocity is greater than 10 mph to prevent flame-out.
5. LP-gas maximum inlet pressure shall meet the manufacturer's recommendations.
6. The area of use for the heater unit shall meet the manufacturer's recommendations.
7. The unit shall only be used outdoors in a well-ventilated area.
8. The unit shall not be handled while in use.
9. The units shall be placed at least five (5) feet from any flammable materials, such as carpet, drapes, decorations, chemicals, paper goods, furniture, etc.
10. Units shall be sufficiently anchored so as to prevent accidental tip-over.
11. Units shall be sufficiently cordoned-off as to prevent casual contact by the public.
12. Tanks shall be stored five (5) feet from any doorway or building opening.
13. Fire extinguisher must be located within 25' of heater.

**§ 500-186 Outdoor dining outside permitted zone; other ad hoc variations.**

Notwithstanding anything to contrary contained in this Article or any other laws and ordinances of the Township of West Milford, the Zoning Officer may issue permits to operate outdoor dining which may otherwise vary from certain of the other requirements of this Article. The issuance of such permits shall be on terms and conditions as the Zoning Officer may deem fit and may include, but shall not be limited to, the following situations: (a) the issuance of permits to establishments that are not situated in the permitted zone; (b) the issuance of permits to establishments which may not be deemed to be restaurants under this article; (c) the inclusion of certain private property as part of a particular outdoor dining area; and (d) the establishment of hours of operation which may differ from the requirements otherwise set forth in this article.

**§ 500-187 Temporary Suspension of Township permit.**

Notwithstanding anything to the contrary contained in this Article or any other laws and ordinances of the Township of West Milford, the Township may temporarily suspend an outdoor dining permit in the event of emergency or for other reasons or purposes including, but not limited to, the facilitation of Township-sponsored events.

**§ 500-188 Alcoholic beverages.**

The outdoor dining area of an establishment that holds a Class C Plenary Retail Consumption permit (permit holder) upon which a restaurant has been authorized to operate pursuant to this Article may constitute premises for the sale and consumption of alcoholic beverages provided that the permit holder of the restaurant of which the outdoor dining is a part obtains a place to place transfer of its existing liquor permit to include the outdoor dining area pursuant to the applicable provisions of Chapter 63 of the Code of the Township of West Milford and N.J.S.A. 33:1-1 et seq. Such approval shall be separate from, and must be obtained in addition to, the permit to operate an outdoor dining area pursuant to this Article.

An establishment that does not hold a Class C Plenary Retail Consumption permit may permit patrons, as provided by N.J.S.A. 2C:33-27, to consume wine and beer in the outdoor dining area upon which the restaurant has been authorized to operate. All restrictions placed on establishments pursuant to N.J.S.A. 2C:33-27 will be strictly enforced.

**§ 500-189 Enforcement officer; notice of violation; failure to comply.**

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The Zoning Officer of the Township of West Milford (or his or her designee) shall be charged with the responsibility for enforcing the provisions of this Article. Upon a determination by the Zoning Officer (or his or her designee) that a permit holder has violated one or more of such provisions, the Zoning Officer shall give written notice to the permit holder to correct such violation within a time specified by the Zoning Officer. In the event that the permit holder fails or refuses to correct such violation within such time period, the outdoor dining permit shall thereupon, and automatically, be revoked.

Upon the revocation of such permit, the permit holder, upon written request, shall be entitled to a hearing before the Zoning Board of Adjustment.

**§ 500-190 Penalties.**

Any person convicted of violation of this Article shall be subject to a fine not to exceed \$500. Each violation of a section or subsection of this Article, and each day that a violation continues shall constitute a separate offense.

**SECTION 2.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: October 21, 2020  
Adopted: December 2, 2020  
Effective Date: December 22, 2020

This Ordinance was introduced on October 21, 2020 and the Notice of Public Hearing was published in the Herald News on October 26, 2020. The Governing Body will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Gerst and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2020-019

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Moved: Erik Seconded: Gerst  
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst  
Voted Nay: None  
Motion Carried:  
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Agenda No. IX 2

~ Ordinance 2020 – 020 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES AND COSTS” OF THE REVISED GENERAL ORDINANCES AMENDED**

**BE IT ORDAINED** by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

**SECTION 1.** Chapter 135 “Fees and Costs”, §135-17. Fire Prevention fees are amended and effective January 1, 2021 as follows:

The Fire Department is authorized to charge the following fees.

§ 135-17 Fire prevention.

A. A permit shall be obtained from the Fire Official to use, install, conduct processes or carry on operations involving or creating conditions deemed hazardous to life or property as per a list of operations listed in the Uniform Fire Code. The permit fees shall be as specified in the Uniform Fire Code, which shall be amended as follows:

- (1) Hot tar roofing permit: \$50 per job

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(2) Type 1 permits: \$55

- B. Application for a certificate of smoke detector, carbon monoxide fire extinguisher and house number compliance inspection fee as required by N.J.A.C. 5:70-2.3:

When Certificate of Compliance Required (number of business days prior to closing)	
More than 10	\$55
5 to 10	\$100
4 days or less	\$165
Re-inspection	\$50

(1) Certificate of smoke detector and carbon monoxide compliance re-inspection fee: \$40.

- C. Annual non-life-hazard inspection fees. In addition to the registration fees required pursuant to the Uniform Fire Code, the following additional annual fees shall be required for annual inspections, except that the fees established pursuant to this section shall not be assessed against life hazard uses. The following fees shall also apply to all vacant buildings:

Occupancy (square feet)	Fee
Up to 999	\$50
1,000 to 4,999	\$75
5,000 to 9,999	\$140
10,000 to 14,999	\$265
15,000 and over	\$365

- D. Violation of fire lane: \$60.  
E. Any form of haunted amusements (shall include hay mazes, haunted structures, etc.): \$80.  
F. Illegal burning: not to exceed \$1,000 per offense.

- SECTION 2.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.  
**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.  
**SECTION 4.** This Ordinance shall take effect January 1, 2021 immediately upon final passage, approval, and publication as required by law.  
**SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: November 4, 2020  
Adopted: December 2, 2020  
Effective Date: December 22, 2020

This Ordinance was introduced on November 4, 2020 and the Notice of Public Hearing was published in the Herald News on November 9, 2020. The Governing Body will open the meeting to the public to speak on this ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Gerst and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2020-020

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Moved: Erik Seconded: Goodsir  
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst  
Voted Nay: None  
Motion Carried:  
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Agenda No. IX 3

~ Ordinance 2020 – 021 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 "FEES," OF THE REVISED GENERAL ORDINANCES AMENDED**

**BE IT ORDAINED** by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:



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**§ 135-2 Department of Community Services & Recreation**

The Department of Community Services & Recreation is to provide all currently appointed members of boards, committees and commissions established by ordinance a \$5.00 discount for their own registration for each of the programs and events offered by the Department. All such members shall also be entitled to receive the same rates for Bubbling Springs as is provided to seniors.

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: November 4, 2020  
Adopted: December 2, 2020  
Effective Date: December 22, 2020

This Ordinance was introduced on November 4, 2020 and the Notice of Public Hearing was published in the Herald News on November 9, 2020. The Governing Body will open the meeting to the public to speak on this Ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Gerst and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2020-021

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst  
Voted Nay: None  
Motion Carried:  
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Agenda No. X

**Public Comments**

Mayor Dale opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Joann Blom, 15 Timber Lane – Recognized certain members on the Beautification and Recycling Committee and the Economic Development Commission.

Catherine Amalfi, 1483 Union Valley Road – Spoke about how she was trafficked and she expressed her concerns. She would like the residents to be aware of trafficking. Said she will be back next week with more.

Bob Nicholson, 20 Hyde Road, Stockholm – Spoke about the sale of cannabis. He said the Township will need to address smoking on public property.

Councilman Elect Michael Chazukow – Expressed his thoughts on the cannabis legislation. He encouraged contacting other dispensaries to get a better idea of the regulations and a resolution with appropriate zoning guidelines.

There being no more comments from the public, Councilwoman Erik moved to close the public portion of the meeting.

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Moved: Erik Seconded: Goodsir  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Agenda No. XI

**Council Comments**

Councilman Goodsir – Said his only concern about the cannabis legislation is keeping the retail businesses safe.

Councilwoman Pegel – Expressed that the Council has to make sure the sale of cannabis will be economically beneficial and profitable for the Township.

Mayor Dale asked to move resolutions 2020-349 through 2020-363 including resolutions 2020-367 and 2020-368.

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Agenda No. XII

**New Business, Introduction of Ordinance, Resolutions**

Agenda No. XII 1

~ Resolution 2020 – 349 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING THE SCHEDULE FOR GOVERNING BODY WORKSHOP AND REGULAR MEETINGS FOR THE 2021 CALENDAR YEAR**

**BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby adopt the following schedule of Reorganization, Workshop and Regular Meetings of the Governing Body of the Township for the 2021 calendar year:

January 6, 2021	Reorganization Meeting Workshop Meeting	June 9, 2021	Workshop Meeting Regular Meeting
January 20, 2021	Regular Meeting	July 14, 2021	Workshop Meeting Regular Meeting
February 3, 2021	Workshop Meeting	August 11, 2021	Workshop Meeting Regular Meeting
February 17, 2021	Regular Meeting	September 1, 2021	Workshop Meeting
March 3, 2021	Workshop Meeting	September 15, 2021	Regular Meeting
March 17, 2021	Regular Meeting	October 6, 2021	Workshop Meeting
April 7, 2021	Workshop Meeting	October 20, 2021	Regular Meeting
April 21, 2021	Regular Meeting Volunteer Night	November 10, 2021	Workshop Meeting Regular Meeting
May 5, 2021	Workshop Meeting	December 1, 2021	Workshop Meeting
May 19, 2021	Regular Meeting	December 15, 2021	Regular Meeting

**BE IT FURTHER RESOLVED** that the Reorganization Meeting of the Governing Body of the Township of West Milford as outlined herein shall be held on January 6, 2021 in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 at 6:30 p.m. and the workshop meeting shall follow immediately thereafter.

**BE IT FURTHER RESOLVED** that all other Meetings of the Governing Body of the Township of West Milford as outlined herein shall be held in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 and all such meetings shall begin at 6:30 p.m.

**BE IT FURTHER RESOLVED** that official action may be taken at all meetings outlined herein.

**BE IT FURTHER RESOLVED** that this resolution shall constitute the Annual Notice for the Township of West Milford and the Township Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be continually posted on the official bulletin board of the Township and shall be retained on file in the Office of the Township Clerk.

Adopted: December 2, 2020

Agenda No. XII 2

~ Resolution 2020 – 350 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EQUIPMENT FOR FIVE (5) 2020 POLICE INTERCEPTOR UTILITY VEHICLES**

**WHEREAS**, the Township wishes to equip five (5) 2020 Police Interceptor Utility vehicles; and

**WHEREAS**, the Township Chief of Police has provided a recommendation to award this contract through the NJ State Contract #17-FLEET-00762 and #17-FLEET-00749 to Murphy Communications; and

**WHEREAS**, the total amount of the contract shall not exceed \$23,852.92; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number #01-201-25-240-900.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize the Chief of Police to engage the services of Murphy Communications, 852 Franklin Ave #501, Franklin Lakes, NJ 07417, to

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equip five (5) 2020 Police Interceptor Utility vehicles, in an amount not to exceed \$23,852.92, through NJ State Contract #17-FLEET-00762 and #17-FLEET-00749 and to execute a purchase order for same.

Adopted: December 2, 2020

Agenda No. XII 3

~ Resolution 2020 – 351 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC.**

**WHEREAS**, the Council of the Township of West Milford (“Township”), Passaic County, State of New Jersey on July 8, 2020 approved Enterprise Fleet Management to oversee the Township’s fleet management program and the leasing of vehicles; and

**WHEREAS**, the Township’s fleet management program aims to exchange most municipally-owned fleet vehicles for leased vehicles by 2023; and

**WHEREAS**, the Township is in need of procuring certain vehicles through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the leasing of such vehicles may be awarded without competitive bid to a vendor with a National Cooperative Contract in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2; and

**WHEREAS**, the Township has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative; and

**WHEREAS**, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

**WHEREAS**, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

**WHEREAS**, the vehicles listed below represent the current needs of the Township and are available under the Sourcewell National Cooperative Contract #060618-EFM:

1. One (1) Heavy Duty Pickup Truck for Public Works at a month cost of \$690.05,
2. One (1) Heavy Duty Pickup Truck for the Police Traffic Division at a month cost of \$744.68 plus \$7,350 paid upfront for aftermarket parts for each,
3. Two (2) mid-size Interceptor SUV 4x4 marked vehicles for the Police Department at a month cost of \$930.96 plus \$8,100 paid upfront for aftermarket parts for each,
4. One (1) mid-size Interceptor SUV 4x4 unmarked vehicle for the Police Department at a month cost of \$917.56 plus \$7,500 paid upfront for aftermarket parts for each, and
5. Five (5) mid-size SUV 4x4 for Health, Building and Engineering at a month cost of \$467.25 each.

**WHEREAS**, the Township will not need to make any lease payments until the vehicles are delivered in Fiscal Year 2021; and

**WHEREAS**, the funding for these vehicles will be included in the 2021 Municipal Budget.

**NOW, THEREFORE BE, IT RESOLVED**, that the Township Council authorizes the Township Administrator to lease the ten (10) vehicles described above through Sourcewell National Cooperative Contract #060618-EFM through Enterprise Fleet Management Inc., 1550 Route 23 North, Suite 101, Wayne, NJ 07470.

**BE IT FURTHER RESOLVED**, that this resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: December 2, 2020

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. XII 4

**~ Resolution 2020 – 352 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH EDUCATIONAL SERVICES COMMISSION OF NJ ESC CO-OP #65MCESCCPS-ESCNJ 17/18-21 FOR ONE (1) 2020 FORD F-350 SRW (X3B) XL 4WD SUPER CAB 6.75' BOX VEHICLE FROM BEYER FORD, 170 RIDGEDALE AVENUE, MORRISTOWN, NJ 07960**

**WHEREAS**, the Township wishes to purchase one (1) 2020 Ford F-350 SRW (X3B) XL 4WD Super Cab 6.75' Box; and

**WHEREAS**, the Township OEM Coordinator has provided a recommendation to award this contract through the Educational Services Commission of NJ ESC Co-op #65MCESCCPS-ESCNJ 17/18-21 to Beyer Ford; and

**WHEREAS**, the total amount of the contract shall not exceed \$44,665.51; and

**WHEREAS**, the vehicle will be utilized by the Office of Emergency Management to transport decontamination equipment and to provide decontamination of emergency responders, equipment, and facilities exposed to COVID-19.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township Council hereby authorizes the Township OEM Coordinator to purchase one (1) 2020 Ford F-350 SRW vehicle, in an amount not to exceed \$44,665.51, through Educational Services Commission of NJ ESC Co-op #65MCESCCPS-ESCNJ 17/18-21; from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960
2. The Township Chief Financial Officer has certified the availability of funds shall be encumbered from account number 19-295-56-120-506 for same.

Adopted: December 2, 2020

Agenda No. XII 5

**~ Resolution 2020 – 353 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF ENGINEERING SUPPLIES IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.**

**WHEREAS**, the Township Council of the Township of West Milford adopted ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and subsequently adopted resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold from \$17,500.00 to \$40,000.00; and

**WHEREAS**, as a condition to the increase in the bid threshold, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase in excess of the former bid threshold of \$17,500.00 and that the purchase shall warrant use of State contract, cooperative pricing contract or a minimum of three quotations; and

**WHEREAS**, the Engineering Division is requesting the purchase of Engineering Supplies (156 Krylon White Paint = \$591.24, (2) High Visibility Jackets = \$89.90, (200) Ramset Nails = \$19.66.) from Montague Tool & Supply Co. totaling \$700.80; and

**WHEREAS**, the above referenced vendor shall comply with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

**WHEREAS**, the Township Council has received a recommendation from the Supervising Engineering Aide indicating the anticipated need to purchase various Engineering Supplies which expenses would exceed the aggregate quote threshold of \$17,500.00; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-5.5 (b), no orders of supplies shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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hereby authorized to execute purchases to the above referenced vendor in an amount of \$700.80 for the remainder of the 2020 calendar year and within the budget appropriation established for this purpose.

Adopted: December 2, 2020

Agenda No. XII 6

**~ Resolution 2020 – 354 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT FOR THE ENGINEERING DIVISION HP DESIGNJET T3500 LARGE FORMAT COPY MACHINE THROUGH R.S. KNAPP CO., INC.**

**WHEREAS**, the Township of West Milford Engineering Division recently completed a 60-month purchase agreement to R.S. Knapp Co., Inc. for the HP DesignJet T3500 large format copy machine; and

**WHEREAS**, the Engineering Division has successfully utilized maintenance contracts in the past with R.S. Knapp Co., Inc; and

**WHEREAS**, the cost for the maintenance contract will be in the amount of \$85.00 per month plus \$0.029 per square foot; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this maintenance contract, said funds are to be encumbered from account number 01-201-20-165-498.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, the following:

1. The Township Council hereby authorizes the Township Administrator to execute a maintenance contract not to exceed \$2,000.00 annually at a rate of \$85.00 per month plus \$0.029 per square foot with R.S. Knapp Co., Inc.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: December 2, 2020

Agenda No. XII 7

**~ Resolution 2020 – 355 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING RESOLUTION 2020-310 TO INCLUDE MUNICIPAL CAPITAL FINANCE AS LEASING AGENT AND ATLANTIC TOMORROWS OFFICE AS MAINTENANCE PROVIDER FOR ONE SAVIN MP 3055 COPY MACHINE**

**WHEREAS**, by virtue of Resolution 2020-310 adopted on October 7, 2020 the Township Council did authorize Atlantic Tomorrows Office to lease/purchase agreement for one Savin MP 3055 copy machine for the West Milford Community Services & Recreation Department; and

**WHEREAS**, lease payments must be made to Municipal Capital Finance as the leasing agent and Atlantic Tomorrows Office for the maintenance agreement; and

**WHEREAS**, Resolution 2020-310 did authorize the lease/purchase agreement not to exceed \$3,720.00 at a rate of \$62.00 per month for sixty months in an amount not to exceed \$744.00 annually; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this lease/purchase agreement, said funds are to be encumbered from account number 01-201-28-372-431.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council hereby authorizes to change payment remittance to Municipal Capital Finance, PO Box 458, Souderton, PA 18964-0458 as leasing agent.

Adopted: December 2, 2020

Agenda No. XII 8

**~ Resolution 2020 – 356 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO STORMWATER COMPLIANCE SOLUTIONS, LLC FOR STORMWATER INFRASTRUCTURE MAPPING**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, according to N.J.A.C. 7:14A, Municipal Stormwater General Permit the Township of West Milford is designated as a Tier A Stormwater municipality and as required by the Stormwater Permit all of the seven hundred fifty five storm drain outfall pipes within the Township's MS4 (Municipal Separate Storm Sewer System) were surveyed and mapped in 2010; and

**WHEREAS**, to more effectively track and manage the MS4 it is desirous to have the approximate four thousand inlet structures, sediment basins and water quality basins surveyed and integrated into the existing outfall mapping; and

**WHEREAS**, Stormwater Compliance Solutions has submitted a proposal for said GPS location, GIS mapping and incidental work; and

**WHEREAS**, the New Jersey Highlands Council approved, by Resolution 2020-16, Regional Master Plan Conformance Funding to the Township of West Milford in an amount not to exceed \$70,900.00; and

**WHEREAS**, the Township of West Milford has a need to appoint a Professional Services Contract, as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and

**WHEREAS**, Stormwater Compliance Solutions, LLC will complete and submit a Business Entity Disclosure Certification which will certify that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of Stormwater Compliance Solutions, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4* in an amount not to exceed \$70,900.00 from account #02-213-41-734-005.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Stormwater Compliance Solutions, LLC., 180 Main Street, P.O. Box 572, Chester, NJ 07930 for professional services for stormwater infrastructure mapping in an amount not to exceed \$70,900.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The total fee authorized for this contract shall not exceed \$70,900.00 without the prior written approval of the Township Council.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: December 2, 2020

Agenda No. XII 9

~ Resolution 2020 – 357 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF AND A SUBGRANT AWARD FOR FISCAL YEAR 2020 HOMELAND SECURITY GRANT PROGRAM EMERGENCY MANAGEMENT AGENCY ASSISTANCE FUNDING**

**WHEREAS**, The Township of West Milford, Office of Emergency Management is applying for the Homeland Security Grant Program Emergency Management Agency Assistance Subgrant FY20-EMPG-EMAA-1615 period 7/1/2020 – 6/30/2021 from the New Jersey State Police Office of Emergency Management. The sub grant, consisting of a total amount of \$10,000.00, is for the purpose of enhancing the Township of West Milford's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies. The funds will be used for Emergency Management purposes; and

**WHEREAS**, the application for the sub grant award calls for a match in the amount of \$0.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does authorize the Office of Emergency Management to apply and accept the FY20 Homeland Security Grant Program Emergency Management Agency Assistance sub grant in the amount of \$10,000.00 Federal Funds from the New Jersey State Police Office of Emergency Management; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**BE IT FURTHER RESOLVED** that the West Milford Township Administrator, the Township Chief Fiscal Officer, the Township Emergency Management Coordinator, and the Township Deputy Emergency Management Coordinator are authorized to sign the appropriate sub grant award documents; and

**BE IT FURTHER RESOLVED** that copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the West Milford Township Administrator; the West Milford Chief Financial Officer; the West Milford Office of Emergency Management; and the West Milford Finance Office.

Adopted: December 2, 2020

Agenda No. XII 10

~ Resolution 2020 – 358 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A WALMART COMMUNITY GRANT FOR THE 2020 TRUNK-OR-TREAT EVENT PROMOTING COMMUNITY SAFETY**

**WHEREAS**, the 2<sup>nd</sup> Annual, Police Sponsored, Trunk-or-Treat was planned to be held on Friday, October 30<sup>th</sup>, 2020 between the hours of 6:00 p.m. – 8:30 p.m.; and

**WHEREAS**, Trunk-or-Treat events provide a safe alternative for families to “trick or treat” while providing a fun and festive atmosphere; and

**WHEREAS**, Wal-Mart Community Grants have provided a onetime grant of \$500.00 for this event, in order to help cover expenses (candy, decorations and miscellaneous supplies); and

**WHEREAS**, Walmart Community Grants can provide awards between \$250.00 - \$5,000.00 in the form of a check or gift cards to purchase necessary supplies. Method of payment is determined by the Walmart Corporate Offices and individual stores.

**NOW, THEREFORE, BE IT RESOLVED** the Township Council of the Township of West Milford hereby authorizes the acceptance of a \$500.00 Walmart Community Grant for the second annual West Milford Trunk-or-Treat event to promote community safety.

Adopted: December 2, 2020

Agenda No. XII 11

~ Resolution 2020 – 359 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET (INACTIVE) PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2020-2021 LICENSE YEAR**

**WHEREAS**, applications for renewal of Plenary Retail Consumption License for the 2020- 2021 License year have been processed on the ABC POSSE website and reviewed; and

**WHEREAS**, these licenses have received a Tax Clearance Certificate and Special Ruling for the 2020-2021 year; and

**WHEREAS**, the Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control; and

**WHEREAS**, as a result of that review the Township Council has determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.

**WHEREAS**, the Police Department has recommended that the license be renewed to the current owners as a pocket (inactive) license with conditions.

1. Inactive/Pocket Licenses must submit a 12-page Place-to-Place Transfer application with detailed sketch of proposed site and a Police Investigation Request to the Township Clerk’s Office and receive satisfactory recommendations from the Health, Fire, Building, Zoning and Police Departments prior to siting this license.
2. Prior to activating the license, inspections of premises must be made and satisfactory recommendations must be received by the Fire, Health, Building, Zoning and Police Departments.
3. Licensee must submit applicable pages 1, 2, and 11 of the 12-page application to the Township Clerk’s Office with date of activation prior to activation or opening this license.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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4. A Health Department Retail Food Establishment license must be acquired with detailed floor plans and satisfactory recommendation received in the Clerk’s Office prior to opening.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Clerk is directed to issue and hold the license certificates for the Mayor and Township Council of the Township of West Milford.

LICENSE/LICENSEE/T/A	CONDITIONS
<b>SAHANAS LIQUOR INC.</b> Inactive <b>1615-33-030-010</b>	Conditions stated above in resolution

Adopted: December 2, 2020

Agenda No. XII 12

~ Resolution 2020 – 360 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PLACE-TO-PLACE TRANSFER (EXTENSION OF PREMISES) AND DE-LICENSING OF A PORTION OF THE LICENSED PREMISES FOR PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-004-007, OLD SCHOOL PUB LLC**

**WHEREAS**, an application has been filed for a Place-to-Place Transfer (extension of premises) and the de-licensing of a portion of the licensed premises of Plenary Retail Consumption License 1615-33-004-007 issued to Old School Pub LLC, t/a Old School Pub for premises heretofore located at 551 Warwick Turnpike, Hewitt, NJ; and

**WHEREAS**, the Place-to-Place Transfer and de-licensing of a portion of the licensed premises application has been filed with sketches for eliminating the large garage/shed for storage located in the back of the property and adding the use of the basement to the licensed premises in the Main Building Bar Restaurant Package Store under said license wherein the sale, service and storage of alcoholic beverages are authorized; and

**WHEREAS**, there is no change to the two licensed storage sheds, outside patio, outdoor deck and patio areas wherein the sale, service and storage of alcoholic beverages are authorized; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

**WHEREAS**, a result of the review of the complete application and associated documents, the Township Council has determined and the Police Department has recommended that the application for a Place-to-Place Transfer (extension of premises) and de-licensing of a portion of the licensed premises be approved for the current owners; and

**WHEREAS**, that the Mayor and Township Council does hereby approve the application for Place-to-Place Transfer (extension of premises) and de-licensing of a portion of the licensed premises of the aforesaid Plenary Retail Consumption License located at 551 Warwick Turnpike, Hewitt, NJ under which license the area delineated in the application form and the sketches of the licensed premises on file in the Clerk’s Office.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Clerk is directed to endorse the license certificate as follows “This license subject to all of its terms and current conditions, is hereby approved to Old School Pub LLC effective upon adoption of the resolution”.

LICENSEE	CONDITIONS
<b>OLD SCHOOL PUB LLC</b> t/a Old School Pub 551 Warwick Turnpike, Hewitt, NJ 07421 <b>1615-33-004-007</b>	1. Occupancy loads must be adhered to 2. Exits are not to be blocked

Adopted: December 2, 2020

Agenda No. XII 13

~ Resolution 2020 – 361 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2021**

**WHEREAS**, applications have been made for the new licenses and the renewal of various Licenses for the 2021 license year; and



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**WHEREAS**, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of 2021 Licenses as listed below:

<b>License No.</b>	<b>2021 PEDDLER LICENSE</b>
2021-01	<b>Joseph P. Van Hook - Eat At Joes Food Truck LLC</b>
<b>License No.</b>	<b>2021 CLOTHING BIN LICENSE</b>
2021-12	<b>Soles 4 Souls, Inc.</b> Elizabeth A. Swiderski - American Legion Post 289 (1)
<b>License No.</b>	<b>2021 PRECIOUS SECONDHAND METALS LICENSE</b>
2021-01	Alexandria Randolph / John Pytleski – <b>J. Alexander Fine Jewelry LLC</b>
<b>License No.</b>	<b>2021 PRECIOUS SECONDHAND METALS LICENSE</b>
2021-02	Linda A. Leaman – <b>Jewelry Repair Center LLC</b>
<b>License No.</b>	<b>2021 FIREARMS RANGE LICENSE</b>
2021-01	Meadowbrook Rifle & Pistol Club – Jayson Rudert

Adopted: December 2, 2020

Agenda No. XII 14

~ Resolution 2020 – 362 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF RECREATION FEES**

**BE IT RESOLVED** that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

<b>Senior Chair Exercise</b>	
\$35.00	Elizabeth Kochakji 26 Sweetman West Milford, NJ 07480
<b>Soccer Squirts</b>	
\$105.00	Patricia Giovannelli 18 Bushwick Lane West Milford, NJ 07480

Adopted: December 2, 2020

Agenda No. XII 15

~ Resolution 2020 – 363 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF A HEALTH DEPARTMENT FEE**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that based upon the report and request of the Director of Health the following fee be refunded:

<b>Name &amp; Address</b>	<b>Application</b>	<b>Amount Refunded</b>
Richard Vreeland Vreeland Enterprises LLC, PO Box 473 Hewitt, NJ 07421	Septic Permit- Alteration Permit # 13123	\$185.00

Adopted: December 2, 2020

Agenda No. XII 16

~ Resolution 2020 – 367 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO (2) LUCAS DEVICES AND NECESSARY EQUIPMENT FOR OPERATION THROUGH THE STRYKER CORPORATION USING THE BERGEN COUNTY COOPERATIVE PRICING SYSTEM (BCCPS)**

**WHEREAS**, the Township of West Milford became a member in the Bergen County Cooperative Pricing Systems Contract #11-BCCPS by virtue of Resolution 2017-345 adopted November 8, 2017; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the Township Council has received a request from the West Milford First Aid Squad for the purchase of two (2) Lucas devices; and

**WHEREAS**, the West Milford First Aid Squad seeks to award this purchase of two (2) Lucas devices through the Bergen County Cooperative Pricing System (#CK04-Bergen) from Stryker Corporation, in an amount not to exceed \$34,712.44; and

**WHEREAS**, a quote received from Stryker Corporation Medical Division has been reviewed by the Emergency Management Coordinator and recommends the purchase of two (2) Lucas devices from Stryker Corporation Medical Division; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 04-215-55-829-010.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, the following:

1. The Mayor and Township Council hereby authorizes the Emergency Management Coordinator to execute the purchase order for two (2) Lucas devices in a total amount not to exceed \$34,712.44 in accordance with the Bergen County Cooperative Pricing System Contract #388-20 under Bid #20-11 to Stryker Corporation Medical Division, P.O. Box 93308, Chicago, IL 60673-3308.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: December 2, 2020

Agenda No. XII 17

~ Resolution 2020 – 368 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF ONE (1) LUCAS DEVICE AND NECESSARY EQUIPMENT FOR OPERATION, IN ACCORDANCE WITH THE STATE'S (DCA) EMERGENCY PURCHASING PROCEDURES RESULTING FROM THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY VIA EXECUTIVE ORDER IN RESPONSE TO THE CORONAVIRUS OUTBREAK**

**WHEREAS**, on March 9, 2020, the Governor of the State of New Jersey declared that a Public Health Emergency and a State of Emergency exists due to the coronavirus (Covid 19); and

**WHEREAS**, by virtue of Executive Order #103 the Governor authorized the Emergency Management Coordinator to procure any goods or services needed to protect the health and safety of employees and the public and to prevent the spread of the virus; and

**WHEREAS**, the Emergency Management Coordinator is requesting to purchase one (1) hands free C.P.R. device, known as Lucas device distributed by Stryker Corporation to protect the health and safety of Township employees and the public and allow for the continuation of Municipal operations. This is in direct response to the Governor's declaration of a State of Emergency in response to the coronavirus outbreak; and

**WHEREAS**, the Township Council has received a recommendation from the Emergency Management Coordinator indicating the need to purchase the Lucas devices to be utilized by the West Milford First Aid Squads and the Upper Greenwood Lake Volunteer Ambulance Corp to prevent the spread of the virus; and

**WHEREAS**, the Emergency Management Coordinator will make every effort to obtain multiple quotes or to utilize State or Co-op contracts for all purchases when practicable; and

**WHEREAS**, the above purchase is being made in compliance with the directive of the Department of Community Affairs (DCA) for emergency procurement of foods or services where an emergency affecting the public health or safety requires such emergency purchases; and

**WHEREAS**, this purchase shall be made pursuant to N.J.S.A. 40A:11-6 (Local Public Contracts Law) and N.J.S.A. 19:44A-20.12 emergency exemption to pay-to-play regulations in response to the coronavirus outbreak. Funding for the goods or series are certified by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the appropriate Township Officials be and are hereby authorized to execute purchases to the above-referenced vendor in an amount not to exceed \$20,311.97 for the remainder of the 2020 calendar year and within the budget appropriation established for this purpose.

Adopted: December 2, 2020

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Workshop Meeting  
 Date of Meeting: December 2, 2020  
 Time of Meeting: 6:30 pm  
 Minute Page No: Page 19 of 21  
 -----

Moved: Erik Seconded: Lichtenberg  
 Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst  
 Voted Nay: None  
 Motion Carried:  
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Agenda No. XIII

**Consent Agenda**

None

Agenda No. XIV

**Approval of Expenditures**

~ Resolution 2020 – 364 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD APPROVING THE PAYMENT OF BILLS**

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a supplemental report listing individual disbursement checks prepared by this office in payment of amounts due by the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer's report of checks prepared by the Treasurer's Office be approved and issued as follows:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account	\$231,525.37
3	Reserve Account	1,906.50
2	Grants	2,521.50
6	Refunds	290.00
1	General Ledger	0.00
26	Refuse	242,654.77
4	Capital	593,513.14
19	Animal Control	3,419.77
19	Heritage Trust	0.00
19	Open Space Trust	25,000.00
19	Trust	16,077.58
19	Scala Trust	0.00
16	Development Escrow	3,432.50
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$1,120,341.13
Less Refund Resolution		-290.00
<b>Actual Bills List</b>		<b>\$1,120,051.13</b>
Other Payments		
Payroll		\$495,914.08
Enterprise Leasing		14,541.09
E. Darnsteadt		2,000.00
BOE		4,698,607.00
<b>Total Expenditures</b>		<b>6,331,113.30</b>

Adopted: December 2, 2020

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 Moved: Erik Seconded: Lichtenberg  
 Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross, Gerst  
 Voted Nay: None  
 Motion Carried:  
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: December 2, 2020  
Time of Meeting: 6:30 pm  
Minute Page No: Page 20 of 21  
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Agenda No. XV

**Reports of Administrator, Mayor and Council Members**

Mayor Dale – Noted she updates her social media page frequently. She mentioned that they ordered additional Christmas decorations to display throughout the Township. The Tree Lighting Ceremony will be virtual on December 7<sup>th</sup> at 7pm and it can be viewed on WM77 TV. She said JCP&L will begin tree trimming in early January. The cable services complaint service request is available on the Township website. She explained that there might be an opportunity to have another internet service provider in West Milford. She noted that the speed limit signs were installed on Echo Lake Road.

Councilman Gross – No report.

Councilwoman Gerst – No report.

Councilwoman Erik – No report.

Councilwoman Pegel – No report.

Councilwoman Lichtenberg – Noted various events and the dates and times.

Councilman Goodsir – Mentioned that there are various toy and food drives.

Administrator Senande – Provided an update on the property sale.

Mr. Semrau – Provided an update on B&B Organic Waste and the compliance matter.

Agenda No. XVI

**Appointments and Resignations**

~ Resolution 2020 – 365 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING RESIGNATION TENDERED**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Economic Development Commission:

Name	Position	Date Tendered
Claudia Logan	Economic Development Commission Citizen Member Term expires 12/31/20	November 10, 2020

Adopted: December 2, 2020

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Moved: Gerst                      Seconded: Goodsir  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Agenda No. XVII

**Board of Health Meeting**

Presentation by Health Officer – Year End Summary – Dr. Charlene Gungil, Health Officer, provided a brief overview of what has been happening in the Township and the County.

Discussion:

Councilman Goodsir asked if the CERT team would be involved with the Coronavirus vaccine. Dr. Gungil said that the CERT team will be notified of the vaccine if anyone wishes to volunteer. Councilwoman Pegel suggested getting vehicle stickers for the CERT team. She asked how residents secure a home testing kit. Dr. Gungil explained how residents can obtain a home testing kit. She noted that West Milford is doing very well with the home testing. The Township is the fourth highest user of the home testing program.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Workshop Meeting  
Date of Meeting: December 2, 2020  
Time of Meeting: 6:30 pm  
Minute Page No: Page 21 of 21  
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Agenda No. XVIII

**Action Items**

**~ Resolution 2020 – 366 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING THE SCHEDULE FOR THE BOARD OF HEALTH MEETINGS FOR THE 2021 CALENDAR YEAR**

**BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby adopt the following schedule of Board of Health Meetings of the Township of West Milford for the 2021 calendar year:

February 17, 2021	**Board of Health Meeting	August 11, 2021	**Board of Health Meeting
May 19, 2021	**Board of Health Meeting	November 10, 2021	**Board of Health Meeting

**BE IT FURTHER RESOLVED** that the Board of Health Meetings as outlined herein shall \*\*immediately follow the 6:30 p.m. Workshop / Regular Council Meetings of the Township of West Milford and shall be held in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480.

**BE IT FURTHER RESOLVED** that official action may be taken at all meetings outlined herein.

**BE IT FURTHER RESOLVED** that this resolution shall constitute the Annual Notice for the Township of West Milford Board of Health Meetings of the Township of West Milford and the Township Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be continually posted on the official bulletin board of the Township and shall be retained on file in the Office of the Township Clerk.

Adopted: December 2, 2020

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Moved: Erik                      Seconded: Lichtenberg  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Agenda No. XIX

**Adjournment**

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:10 p.m.

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Moved: Erik                      Seconded: Gerst  
Voted Aye: Unanimous voice vote  
Voted Nay: None  
Motion carried.  
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Approved: December 16, 2020

Respectfully submitted:

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Sherry Zbrzeski, Keyboarding Clerk II

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MICHELE DALE, MAYOR

\_\_\_\_\_  
WILLIAM SENANDE, TOWNSHIP CLERK